of men, or to determine the extent of their criminal responsibility in cases of alleged insanity." The question is held to be one of fact for the jury. In accord with this view is the decision in *Parsons* v. *State* (1881), 81 Ala. 577, 60 Am. Rep. 193, which says that the "right and wrong" test has been condemned by the great current of modern medical authorities. *State* v. *Jones* (1871), 50 N. H. 369, 9 Am. Rep. 242; and *State* v. *Pike* (1870), 49 N. H. 399, 6 Am. Rep. 533; both repudiate the "right and wrong" test as laid down in *McNaughten's Case, supra,* and hold the question to be purely one of fact.

In Virginia the rule is that laid down in *De Jarnette* v. *Commonwealth, supra,* which sets up no abstract test, but rather leaves the question to be decided as a matter of fact by the jury.

INJUNCTION—WILL BE GRANTED TO RESTRAIN ENCOURAGEMENT OF BREACH OF CONTRACT.—Plaintiff was engaged in the business of generating, storing and distributing acetylene gas in portable steel cylinders and refilling the same. Under the contracts by which the gas was sold to the consumers, the title to the cylinders was retained by the plaintiff; and the cylinders were to be redelivered to the plaintiff when empty. Defendants were engaged in business of the same general nature and actively assisted and encouraged plaintiff's customers to violate their contracts with the plaintiff in having plaintiff's tanks filled by defendants instead of returning them to plaintiff for that purpose. Defendants did so with knowledge that the cylinders were stamped as plaintiff's property. An injunction was prayed against such interference with plaintiff's rights. *Held,* injunction granted. *Auto Acetylene Light Co.* v. *Prest-O-Light Co.* (1921), 276 Fed. 537.

The rule is well settled that equity will take jurisdiction and by means of its injunction protect contracts from interference by strangers. And in affording such protection, actions or conduct by strangers tending to induce a breach thereof will be enjoined; provided, however, the contract is not illegal or contrary to public policy.

Thus, a contract as to the use of trading stamps will be protected and an attempt by strangers to induce a breach thereof will be enjoined. *Sperry & Hutchinson Co.* v. *Louis Weber & Co.* (1908), 161 Fed. 219. An injunction will also be granted to restrain representatives of a labor union from attempting to persuade certain apprentices under contract for a definite time to violate their contract of apprenticeship. *Iron Moulders' Union No. 125 of Milwaukee et al.* v. *Allis-Chamers Co.* (1908), 166 Fed. 45. It is uniformly held that interference with labor contracts by inducing employees to violate their contracts of employment will be enjoined. *Kinney* v. *Scarbrough Co.* (1912), 138 Ga. 77, 74 S. E. 772, 40 L. R. A. (N. S.) 473; *Callan et al.* v. *Exposition Cotton Mills* (1919), 149 Ga. 119, 99 S. E. 300; *Patterson Glass Co.* v. *Thomas et al.* (Cal. 1919), 183 Pac. 190. An injunction will be issued to enjoin the attempt to procure a breach of a contract by a rival's customers, by agreeing to indemnify the rival's customers against a recovery of damages because of such breach. *Citizens' Light, Heat & Power Co.* v. *Montgomery Light, etc., Co.* (1909), 171 Fed. 553. Also, where a stranger attempted to induce, by circulars,

the customers of a malting concern to violate their contracts, an injunction was granted to restrain such action. *American Malting Co.* v. *Keitel* (1914), 217 Fed. 672. And it has been held that an injunction will lie to prevent a landlord from intimidating his tenant by violence into abandoning his crop before harvest, and thus violating his contract. *Bussell* v. *Bishop* (Ga. 1921), 110 S. E. 174.

The instant case is in line with the decided weight of authority in holding that an injunction will be issued to restrain a stranger from attempting to induce the breach of a contract not illegal or contrary to public policy.

INTOXICATING LIQUORS—SEARCH AND SEIZURE—SEIZURE WITHOUT WARRANT HELD NOT UNLAWFUL.—In response to a fire alarm, police officers went with firemen to the home of accused, and after the fire was extinguished went with the accused and firemen into a shed adjoining the house and connected therewith, and which had been the seat of the fire. There they found a still, bottles and barrels containing liquor and mash, which they seized, the search and seizure being without a warrant. The accused petitioned the court that the articles be returned to him, on the grounds that such search and seizure amounted to a violation of Amendment IV of the Constitution of the United States, and of article I, section 8, of the Constitution of Connecticut, providing against unreasonable searches and seizures, and prescribing the use of duly procured warrants. *Held,* the search and seizure was not unlawful. *State* v. *Magnano* (Conn. 1922), 117 Atl. 550.

It is quite generally held that the Fourth Amendment to the United State Constitution is not binding on the State courts, and affords no protection against the misconduct of police officers not acting under any claim of federal authority. *Weeks* v. *United States* (1914), 232 U. S. 383, 34 Sup. Ct. 34, Ann. Cas. 1915C, 1177. But this clause appears also in all State Constitutions in slightly varying language. *State* v. *Peterson* (Wyo. 1920), 194 Pac. 342, 13 A. L. R. 1284. Whether search and seizure without a warrant violates the clause of the State Constitutions seems to depend more on the search than on the seizure. If the search be unnecessary, if the contraband article be fully disclosed and open to the eye and hand, or, to borrow the phrase of the Kentucky Court, if the liquor "discover itself," then no warrant is necessary and it may be lawfully seized. *Bowling* v. *Commonwealth* (Ky. 1922), 237 S. W. 381; *State* v. *Quinn* (1918), 111 S. C. 174, 97 S. E. 62, 3 A. L. R. 1500.

In some states it is held that the police may search any place to which they have lawful access. *Smith* v. *Jerome* (N. Y. 1905), 47 Misc. Rep. 22, 93 N. Y. S. 202. Consent of the owner of the premises makes search lawful, and one who consents to have his property searched by an officer without a warrant has no right of action for an illegal search. *McClurg* v. *Brenton* (1904), 123 Iowa 368, 98 N. W. 881, 101 Am. St. Rep. 323, 65 L. R. A. 519. And the search is not unconstitutional when made by invitation of accused's wife. *Smith* v. *McDuffee* (1914), 72 Ore. 276, 142 Pac. 558, 143 Pac. 929, Ann. Cas. 1916D, 947. Even the consent and aid of a servant or agent, left in charge of the premises, keeps the search from being a violation of the constitutional provision. *State* v. *Griswold* (1896), 67 Conn. 290, 34 Atl. 1046, 33 L. R. A. 227.

But for an officer without a valid search warrant or consent to search